

IN THE UNITED STATES DISTRICT COURT

DISTRICT OF UTAH, CENTRAL DIVISION

ROGER SCOTT BRYNER,

Plaintiff,

v.

HONORABLE DENISE LINDBERG et al.,

Defendants.

ORDER

Case No. 2:09-cv-253 CW-SA

Judge Clark Waddoups

Magistrate Judge Samuel Alba

This case was assigned to United States District Court Judge Clark Waddoups, who then referred it to United States Magistrate Samuel Alba under 28 U.S.C. § 636(b)(1)(B). On April 28, 2010, the Magistrate Judge issued a Report and Recommendation, recommending that court abstain from this proceeding under the *Younger* abstention doctrine. On May 12, 2010, Plaintiff filed an Objection to the report. Plaintiff then filed a Notice on June 25, 2010, that this action may be moot due to a ruling in the Bankruptcy Court.

After having reviewed the file *de novo*, the court hereby APPROVES AND ADOPTS the Magistrate Judge's Report and Recommendation that the *Younger* abstention doctrine applies with respect to Defendants Denise Lindberg, Randall N. Skanchy, and the Third District Court, State of Utah. Additionally, the court notes that Plaintiff asked during oral argument that Judge Skanchy be dismissed from this action. The court therefore adopts as well this alternative ground for dismissal with prejudice, with respect to Judge Skanchy.

As to Plaintiff's claim against Defendant Wesley Oates ("Oates") for legal malpractice, the

court declines to exercise supplemental jurisdiction over the matter. Accordingly, the court hereby dismisses with prejudice the claims against Oates.

SO ORDERED this 29th day of June, 2010.

BY THE COURT:

A handwritten signature in black ink, appearing to read "Clark Waddoups", is written over a horizontal line.

Clark Waddoups
United States District Judge